

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOHN ERIC SANDLES,

Plaintiff,

v.

Case No. 12-11773

ANDREW BATISTA, GEORGE C.  
STEEH, DOUG SMITH, SARAH COHEN,  
STEPHEN MURPHY, PATRICIA  
GADEKE, ALAN E. NORRIS, ERIC L.  
CLAY, JOHN M. RODGER, DEBORAH  
COOK, R GUY COLE, JR., RICHARD  
ALLEN GRIFFIN, ALICE BATCHELDER,  
AVERY COHN, JAMES L. GRAHAM,  
JILL PRICE, RITA CHASTANG, MARK  
GROSS, JOHN DOE,

Honorable Patrick J. Duggan

Defendants.

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**ORDER GRANTING PLAINTIFF'S MOTION TO DISMISS**

Plaintiff John Eric Sandles, appearing *pro se*, has filed numerous lawsuits in this and other courts. In one of those cases, filed in 2007 and assigned to the Honorable Marianne O. Battani, it was noted that “[s]ince approximately 1995, Plaintiff has filed some 80 cases in the federal courts.” *See* Magistrate Judge’s Report and Recommendation at 2, *Sandles v. United States*, No. 07-15066 (E.D. Mich. Jan. 4, 2008). From this Court’s review, it appears that many (if not all) of Plaintiff’s lawsuits arise from prior criminal convictions in this District or the Eastern District of Wisconsin, the revocation of his supervised release, and/or the conditions of his confinement (specifically the failure to receive psychiatric treatment and/or evaluation). Judge Battani issued an order on January

28, 2008, enjoining Plaintiff “from filing future actions without first seeking and obtaining leave of court.” Order, *Sandles v United States*, No. 07-15066 (E.D. Mich. Jan. 28, 2008) (emphasis removed).

It appears from this District’s electronic filing system and the United States Pacer system (which tracks filings in federal district, bankruptcy, and appellate courts) that Judge Battani’s order had the effect of reducing the number of lawsuits Plaintiff initiated. Recently, however, Plaintiff filed three new lawsuits that are now before the undersigned: Case No. 12-11721, *Sandles v. Chastang, et al.* (filed Mar. 27, 2012 in Wayne Cnty. Cir. Ct. and removed Apr. 18, 2012); Case No. 12-11773, *Sandles v. Andrew Batista, et al.* (filed April 20, 2012); and Case No. 12-12117, *Sandles v. Clay, et al.* (filed April 13, 2012 in Wayne Cnty. Cir. Ct. and removed May 10, 2012). On May 29, 2012, Plaintiff filed a motion seeking to dismiss the above-captioned case, because he failed to comply with Judge Battani’s order and obtain leave of court before it was filed.<sup>1</sup>

Pursuant to Federal Rule of Civil Procedure 41(a), a plaintiff generally may voluntarily dismiss an action without leave of court “by filing . . . a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. 41(a)(1)(A)(i). Neither an answer nor a motion have been filed by

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<sup>1</sup>To the extent Plaintiff intends to seek leave of court to re-file this action, he should heed this Court’s orders dismissing his other recently filed actions, particularly the notation finding those actions frivolous.

Defendants in this case. As such, Plaintiff could have dismissed this lawsuit without filing a motion. Therefore, the Court is granting his motion.

Accordingly,

**IT IS ORDERED** that Plaintiff's motion to dismiss is **GRANTED**;

**IT IS FURTHER ORDERED** that Plaintiff's Complaint is **DISMISSED**  
**WITHOUT PREJUDICE.**

Date: May 31, 2012

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Copy to:  
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